Developing a Prioritization Protocol for Munitions Response Sites

Information Briefing to the
Sixth National Tribal Conference on Environmental Management

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Congressional Requirement

- Section 311 of FY02 Defense Authorization Act
  - "Develop, in consultation with representatives of the States and Indian Tribes, a proposed protocol for assigning to each defense site a relative priority for response activities related to unexploded ordnance, discarded military munitions, and munitions constituents"
    - "Defense sites" (hereinafter munitions response sites) are locations where a munitions response is needed
    - "Does not include any operational range, operating storage or manufacturing facility, or facility that is used for or was permitted for the treatment or disposal of military munitions"
  - Issue proposed protocol for public comment by November 30, 2002
  - Issue final protocol
  - Apply to sites in munitions response site inventories

Congressional Requirement – Factors to be Considered

- In assigning a relative priority to a site, DoD is to “primarily consider factors relating to safety and environmental hazard potential,” such as*:
  - Presence and types of known or suspected unexploded ordnance, discarded military munitions, or munitions constituents
  - Presence/effectiveness of public access controls
  - Potential/evidence of direct human contact
  - Status of any response actions
  - Date for transfer from military control
  - Extent of documented incidents
  - Potential for drinking water contamination or release into the air
  - Potential for destruction of sensitive ecosystems.

*Factors from Section 311 are paraphrased for brevity.

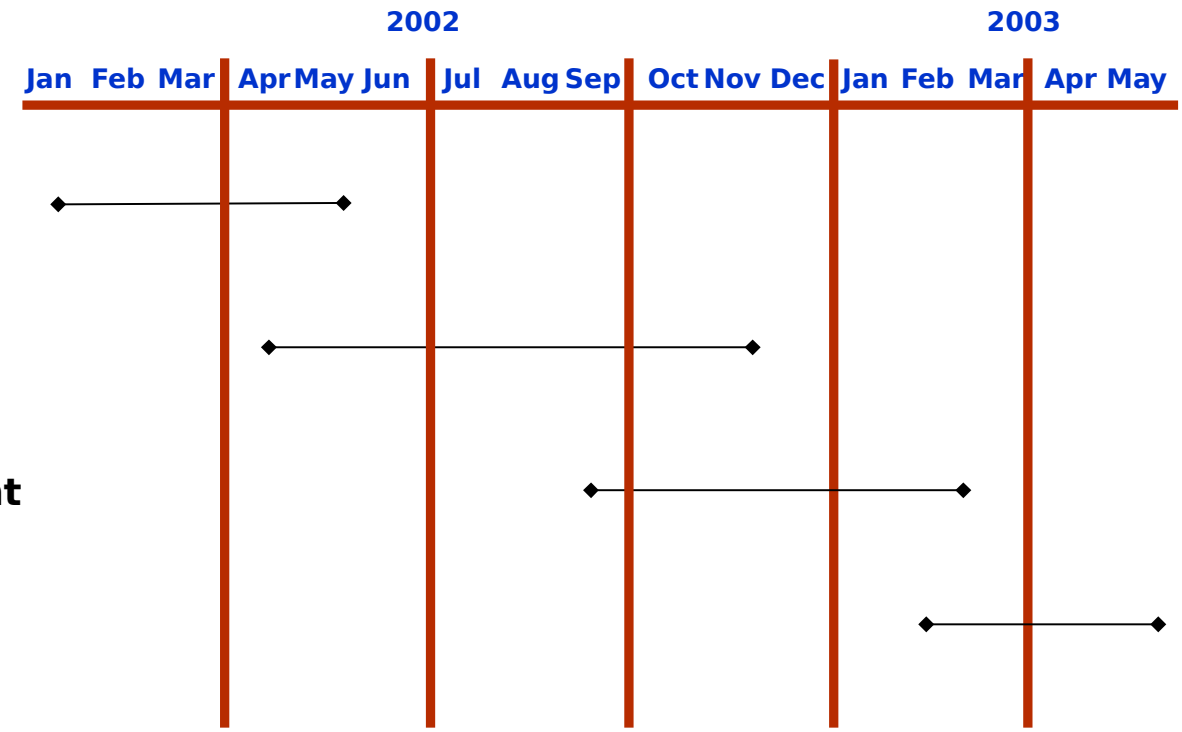
DoD Objectives

- Develop, in consultation with EPA, States, and Indian Tribes, a prioritization protocol for munitions response sites that:
  - Uses consistent factors, terminology and definitions
  - Addresses safety, environmental hazards, and other pertinent management factors
  - Allows for consistent application.
- Develop and provide training to DoD personnel on the protocol
- Apply to munitions response sites, including sites on Indian lands

Consultation with American Indian and Alaska Native Tribes

- DoD will consult with tribes whenever tribal interests may be affected by DoD actions
  - Before proposals are cast in stone
  - On a government-to-government basis
- DoD will undertake actions and manage lands mindful of the special significance that tribes ascribe to certain natural resources and traditional cultural properties

Proposed Schedule


2002
2003
Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Jan Feb Mar Apr May
Phase 1 – Data Gathering
Phase 2 – Develop Proposed Protocol
Phase 3 – Review and Comment
Phase 4 – Implement Final Protocol

Status of activities

- Federal, State, Tribal, and Public Input
  - Federal Register request for information to consider
  - Letter to Tribal leaders
  - Letter to States
  - Briefing the Munitions Response Committee
  - DENIX Web site – https://www.denix.osd.mil/MMRP
- Analysis of site prioritization methods/models
- Initial consideration of factors and definitions

Environmental Restoration

- Defense Environmental Restoration Program (DERP) addresses
  - Hazardous substances,
  - Military munitions and munitions constituents, and
  - Building demolition/debris removal (BD/DR) at:
    - Active Installations
    - Base Realignment and Closure Program (BRAC)
      - Military installations undergoing closure or alignment, as authorized by Congress in 4 rounds of base closures for 1988, 1991, 1993, and 1995
    - Formerly Used Defense Sites (FUDS)
      - Property transferred from DoD control prior to October 17, 1986
      - Release occurred prior to October 17, 1986

Environmental Restoration

- Native American Lands Environmental Mitigation Program (NALEMP)
  - Federally recognized tribes
  - Indian lands & ANCSA conveyed lands
  - Address issues of concern to Native Americans related to environmental restoration

Current DERP policy

- DoD employs a risk management approach in the DERP that protects human health, safety, and the environment by focusing on actions that reduce risk
- Current system for prioritization and sequencing of environmental restoration activities focuses on:
  - Environmental hazards caused by hazardous substances
  - Explosive hazards due to the presence of military munitions
  - Other environmental risks
- Many sources of information are used collectively to make decisions about the need for, and the timing of, response actions

Munitions on Indian Lands

Tribes reporting munitions response sites:

Agua Caliente Band of Cahuilla Indians
Ak Chin Indian Community of the Maricopa Indian Reservation
Chemehuevi Indian Tribe
Cheyenne River Sioux Tribe
Crow Creek Sioux Tribe
Fallon Paiute-Shoshone Tribe
Fort Mojave Indian Tribe
Knik Tribe
Morongo Band of Cahuilla Mission Indians
Native Village of Gambell
Native Village of Hooper Bay
Native Village of Kotzebue
Native Village of Nikolski
Native Village of Tyonek
Native Village of Unalakleet
Oglala Sioux Tribe
Organized Village of Kwethluk
Pueblo of Acoma
Pueblo of Isleta
Pueblo of Laguna
Pueblo of San Felipe
Pueblo of Santa Ana
Pyramid Lake Paiute Tribe
Qagan Tayagungin Tribe of Sand Point Village
Qawalangin Tribe of Unalaska
Quechan Tribe of the Fort Yuma Indian Reservation
Red Cliff Band of Lake Superior Chippewa Indians
Red Lake Band of Chippewa Indians
San Carlos Apache Tribe
Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
Sisseton-Wahpeton Sioux Tribe
Tohono O'odham Nation
Tulalip Tribes
Walker River Paiute Tribe
Yakama Indian Nation
Yavapai-Prescott Tribe

NALEMP Selection Criteria Factors for Prioritizing Funding Decisions

- Health, Safety, & Environment
  - Hazardous substances
  - Munitions and munitions constituents
  - Abandoned structures and debris
- Lifeways
  - Impacts and access to traditional and subsistence items
- Economic (future land use)
  - Access to natural resources for commercial use
  - Access to land for development
- Programmatic
  - Impacts to Tribal Programs
  - Leveraging Opportunities

Comparison of prioritization factors in Section 311 and the DERP Mgmt Guidance

Most factors in Section 311 address concepts included in DoD's current guidance. *Prioritization factors from each are shown below and common concepts are highlighted.*

	Section 311(b)	*Management Guidance*	*Prioritization Protocol*
Common Factors	- Potential for drinking water contamination or the release of munitions constituents	- Relative-Risk - Drinking Water and Air Pathways	
	- Known, versus suspected, UXO, discarded military munitions, or munitions constituents	- RAC - Type of Ordnance	
	- Potential for direct human contact	- RAC - Area, Extent, and Accessibility	
	- Whether the public has access to the site	- Standing commitments	
	- Whether a response action has been or is being undertaken	- Community reuse requirements	
	- Planned or mandated dates for transfer	- Short- and long-term ecological effects and environmental impacts	
Factors in one list but not the other	- Potential for destruction of sensitive ecosystems/damage to natural resources	- Site-specific health, safety, or ecological risk assessments or evaluations	
	- Extent of any documented incidents involving UXO, discarded military munitions, or munitions constituents	- Stakeholder concerns	
		- Reasonably anticipated future land use	
		- Implementation and execution considerations	
		- Availability of technology to detect, discriminate, recover, and destroy munitions	
		- Program goals and initiatives	
		- Cultural, social and economic factors	

Summary

- DoD is developing a protocol for prioritizing action at munitions response sites
- DoD is actively seeking input from EPA, other agencies, States, Tribes, and the public
- DoD will publish the proposed protocol for public comment by 30 November 2002

Discussion: Ways to Participate

- We encourage you to participate in developing the protocol
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    Office of the Deputy Under Secretary of Defense (Installations & Environment)/Cleanup
    ATTN: Proposed Site Prioritization Protocol
    3400 Defense Pentagon
    Washington, D.C. 20301-3400
  - Stakeholder Working Group — Munitions Response Committee
  - Web Site — https://www.denix.osd.mil/MMRP.html
  - Other?

    How would you like to participate? Please tell us what you think.